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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING
BANK OF THE WEST TO
PRODUCE A CUSTODIAN OF
DOCUMENTS AND A CORPORATE
REPRESENTATIVE FOR
EXAMINATION PURSUANT TO
FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring Bank of the West ("BofW") to produce a custodian of documents and a corporate representative, as set forth in subpoenas issued under Federal Rule of Bankruptcy Procedure 9016, to appear

1 for examination at the law office of Lewis and Roca, LLP, 3993 Howard Hughes Parkway,
2 Suite 600, Las Vegas, Nevada 89169, on a business day no earlier than ten (10) business
3 days after the filing of this Motion and no later than April 30, 2007, or at such other
4 mutually agreeable location, date, and time, and continuing from day to day thereafter
5 until completed.

7 This Motion is further explained in the following Memorandum.

8
9 **Memorandum**

10 The Movant seeks information concerning legal services performed by BofW on
11 behalf of USACM, the other debtors in the above-captioned cases (together with USACM,
12 the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related
13 entities. The Movant seeks this information to assist in the collection of the assets and the
14 investigation of the liabilities of the Debtors.

16 The requested discovery from BofW is well within the scope of examination
17 permitted under Bankruptcy Rule 2004, which includes:

18 [t]he acts, conduct, or property or . . . the liabilities and financial condition
19 of the debtor, or . . . any matter which may affect the administration of the
20 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
21 reorganization case under chapter 11 of the Code, . . . the examination may
22 also relate to the operation of any business and the desirability of its
23 continuance, the source of any money or property acquired or to be acquired
24 by the debtor for purposes of consummating a plan and the consideration
25 given or offered therefore, and any other matter relevant to the case or to the
26 formulation of a plan.¹

¹ FED.R. BANKR. P. 2004(b).

Conclusion

Accordingly, the Movant requests that this Court enter the form of order submitted with this Motion.

Dated: April 9, 2007.

DIAMOND MCCARTHY LLP

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